

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Kumuram Bheem Asifabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the District Collector, Kumuram Bheem Asifabad District vide Procs.Rc.No.C2/1011/2019, dt.29.01.2020 - Appeal filed by Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal of Kumuram Bheem Asifabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 43

Dated: 29-12-2020
Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No.C2/1011/2019, dated 29.01.2020 of District Collector, Kumuram Bheem Asifabad.
3. Appeal petition filed by Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal of Kumuram Bheem Asifabad District, dated 20.02.2020.
4. Govt.Memo.No.273/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.DOCKBA/C2335/0001/2020,dated:21.06.2020 of the Dist. Collector, Kumuram Bheem Asifabad.
6. Notice No.273/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Kumuram Bheem Asifabaad vide his orders in the reference 2nd cited, has declared that the appellant Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal of Kumuram Bheem Asifabad District is not a Local ST as per definition and as per procedure laid down in accordance with GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following recommendations of the Scrutiny Committee:

- Appellant appeared before the Committee on 21.11.2019 and submitted the following documents:
 - 1953 AD Namuna No.4 of Wadoni village of Utnoor Mandal, Sy.No.29 PP extent 23.00 recorded.
 - 1954-55 Khasra Pahani of Wadoni village of Utnoor Mandal.
 - 1955-56, 1956-57, 1957-58 (Teensal) in Sy.No.28 extent 166.25 of Wadoni village of Utnoor Mandal.
- Scrutiny Committee has conducted final hearing on 6.12.2019 and concluded with the following findings:
 - Applicant has produced 1953 AD Namuna No. of Wadoni village of Utnoor Mandal Sy.No.29 PP extent of 23.00 recorded in the name of Kola Ramu.

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- Applicant has produced 1954-55 Khasra Pahani of Wadoni village of Utnoor Mandal in the name of Bhav Singh S/o Meghu.
 - Applicant has produced 1955-56, 1956-57, 1957-58 (Threesala) in Sy.No.28 extent 166.25 of Wadoni village of Utnoor Mandal name of Bhav Singh S/o Meghu is recorded as cultivator.
 - Applicant has failed to prove the relation between Bhavsingh S/o Megha and Kapuriya S/o Harya (great grandfather of the applicant) in view of the above, the petitioner's LST Certificate.
- A show cause notice was issued to Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal to attend before the Dist. Collector, Kumuram Bheem Asifabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
 - Accordingly, Banavath Saritha D/o Rama Rao has attended before the Dist. Collector, Kumuram Bheem Asifabad on 28.01.2020 and submitted evidence of documents as to establish their continuous residence from 26.01.1950 to till date.
 - On verification of the record submitted by her, it is not visible and unauthenticated and also as per scrutiny committee report, it reveals that the petitioner failed to prove the relation between Bhavsingh S/o Megha and Kapuriya S/o Harya (great grandfather of applicant).
 - The candidate has not produced any other documentary evidence to prove residence in Agency area of her family members or forefathers since 1950.
 - So, in view of the above observations, the Scrutiny Committee rejected her claim.

3. Aggrieved by the above cancellation orders of the District Collector, Kumuram Bheem Asifabad district, the Appellant Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal of Kumuram Bheem Asifabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018 of TW (LTR.1) Department and submitted the following documents.

- In the year 1950 old survey No.28, 29 (Mazi Haal) village of Wadoni extent 167.17 ½ guntas are prampog land which she has produced to DLSC.
- In the year 1953 Chowphasla old survey No.28 (mazi haal) extent 6.00 acres was on the name of her grandfather Pikla's brother Bhavsingh S/o Megha. She also produced theensala pahani i.e. 1955, 1956, 1957 of old Sy.No.28 extent 6.00 acres – to the DLSC.
- From 1950 to 1960 they were cultivating the land in Sy.No.28 of extent 6.00 acres of Wadoni village. Then her grandfather Pikla migrated to Mamidipally village of Lingapur Mandal of KB Asifabad District.

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- In 1977 voter list of Mamidipally village, her grandfather Pikla S/o Kapuriya was shown at Sl.No.219; in the year 1971 voter list – her great grandfather Banoth Kapuriya S/o Harya was shown at Sl.No.532 and in the same year i.e. 1971 of Wadoni village – her grandfather Pikla's cousin brother Bhavsingh S/o Meghya was shown at Sl.No.56.
 - The sale document dt.22.04.1957 related to grass hut & open place (executed on 75 paise stamp paper) her grandfather Pikla S/o Kapuriya purchased grass hut and witnessed by Megha S/o Harya, Bhavsingh S/o Megha.
 - Megha S/o Harya and Kapuriya S/o Harya are brothers.
 - Sri Jadhav Thukaram, aged: 50 years, occupation: Agriculture R/o Wadoni village of Utnoor Mandal deposed that Sri Megha S/o Harya and Kapuriya S/o Harya both are brothers and residents before 1950 in the village. This statement was recorded and duly attested by the PESA Committee and produced herewith.
4. Therefore, the appellant while enclosing concerned papers in proof of her claim prayed to consider her request.

Documents submitted along with the Appeal also during hearing on 5.9.2020:

- As per Family tree duly signed by VRO, Revenue Inspector and Tahsildar, Utnoor Mandal duly witnessed by 5 village elders:
 - Harya is great great grandfather of appellant. He has (3) sons viz., 1) Megha 2) Kapuriya (great grandfather of appellant) and 3) Dargiya.
 - Megha S/o i.e. eldest brother of great grandfather of appellant Kapuriya has only son viz., Bhavsingh, while youngest brother namely Dargiya has (3) sons namely 1) Pakira 2) Devisingh and 3) Doodram.
 - Kapuriya S/o Harya i.e. great grandfather of appellant has (3) sons viz., 1) Pikla (grandfather of appellant) 2) Ramsingh and 3) Chandu.
 - Pikla S/o Kapuriya i.e. grandfather of appellant has (4) sons viz., 1) Dashrath (eldest son) 2) Bheemrao (elder son) 3) Rama Rao (3rd son and father of appellant) and 4) Laxman (4th son).
 - Rama Rao S/o Pikla has i.e. father of appellant has (3) children viz., 1) Rajitha (daughter) 2) Saritha (daughter and appellant) and 3) Goutham (son).
- Namuna No.4 – Choufasla village: Wadoni, Taluka: Utnoor, Dist. Adilabad for the year 1953 A.D. Sl.No3 shows name of Bhavsingh S/o Megha in Sy.No.28 PP for an extent of Acs.6.00 acres (son of eldest brother of great grandfather of appellant).

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- Copy of Wasool Baqui for the year 1950 – shows old Sy.No.28 and 29 consisting of Poramboke land to a total extent of Acs.167.17 ½ gts.
- Teensal Pahani for the years 1955-56, 1956-57 and 1957-58 of Wadoni village – showing total extent of Acs.166.23 acres as Poramboke in which an extent of Acs.10.00 was shown in the name of Bhavsingh S/o Megha (i.e. son of eldest brother of great grandfather of appellant).
- Copy of Translated Sale Deed Document (from Urdu to English) related to purchase of Grass Hut & Open place executed on 0.75 paise stamp paper dated 22.04.1957 executed on 25.4.1957 by Khola Ramu S/o Kouru aged: 89 years R/o Wadoni village of Taluq: Utnoor in favour of Banoth Pikla S/o Kapuriya, aged 32 years R/o Wadoni village of Utnoor Taluq – wherein his grass hut and open place was sold to Banoth Pikla S/o Kapurya for a sale consideration of Rs.175/- in the presence of his family members i.e. his father's brothers Sri Mega S/o Harya and Sri Dargiya S/o Harya – vendors names: Khola Ramuy S/o Kouri 2) Rathod Kaniram S/o Ramu 3) Rathod Gurusingh S/o Kaniram and 4) Rathod Lalithabai W/o Gurusingh – witnessed by 1) More Ramkishan Patel S/o Dasram 2) Mega S/o harya 3) Chouhan Noorsingh S/o Lachu 4) Kapurya S/o Harya 5) Dargiya S/o Harya and 6) Bhavsingh S/o Mega.
- Old Register showing details of Village Stock – name of Kapuriya S/o Harya was recorded.
- Copy of Namuna No.3 – Pahani for the year 1965 – village: Mamidipalli – Taluq: Utnoor – Dist. Adilabad – shows name of Peekla S/o Kapurya (grandfather of appellant) for an extent of Acs.7.00.
- Pahani for the year 1987-88 – village: Mamidipally – Mandal: Sirpur (U) – Adilabad Dist. – shows name of Ramrao S/o Pikla (father of appellant) for an extent of 5.00 acres in Sy.No.7/44.
- Pahani for the year 1993-94 - village: Mamidipally – Mandal: Sirpur (U) – Adilabad Dist. – shows name of Ramrao S/o Pikla (father of appellant) for an extent of 5.00 acres in Sy.No.7/44.
- Pahani for the year 2001-02 – village: Mamidipally – Mandal: Sirpur (U) – Adilabad Dist. – shows name of Ramrao S/o Pikla (father of appellant) for an extent of Acs.5.00 in Sy.No.7/44.
- Pahani for the year 2009-2010 – village: Mamidipally – Mandal: Sirpur (U) – Adilabad Dist. – shows name of Ramrao S/o Pikla (father of appellant) for an extent of Acs.5.00 in Sy.No.7/44.
- Pahani for the year 2019 - village: Mamidipally – Mandal: Lingapur – KB Asifabad Dist. – shows name of Banoth Ramrao S/o Pikla (father of appellant) shows an extent of Acs.5.00 in Sy.No.7/44 under Khata No.43.

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- Voter list for the year 1971 of 237 Boath Assembly Constituency – Part No.286 – village: Mamidipalli – Firka: Marlavai – Taluq: Utnoor – Adilabad Dist. – shows name of Banoth Kapurya S/o Harya at Sl.No.532 under H.No.1-91/23/A (great grandfather of appellant).
- Voter list for the year 1971 of 237 Boath Assembly Constituency – Part No.181 – village: Wadoni – Firka: Utnoor – Taluq: Utnoor – Dist. Adilabad – shows name of Bhavsingh S/o Mega at Sl.No.56 under H.No.1-36 (son of eldest brother of great grandfather Kapuriya).
- Voter list for the year 1977 of 243 Khanapur Assembly Constituency – Part No.131 – village: Mamidipalli – Firka: Marlavai – Taluq: Utnoor – shows name of Banoth Pikla S/o Kapurya (grandfather of appellant) at Sl.No.219 under H.No.1-46A.
- Copy of Community, Nativity & Date of Birth Certificate dt.19.03.2014 issued by Tahsildar, Sirpur-U Mandal – wherein it was certified that Sri Bantoh Rama Rao S/o Piklanaik of Mamidipalle village of Sirpur-U mandal belongs to Lambadis-Sl.No.29 (ST) and that he is a native of Piklathanda of Mamidipalle village – place of Birth is Mamidipalle and Date of Birth is 15.3.1969.
- Copy of certificate bearing No.E/493/2015, dt.30.03.2015 issued by Tahsildar, Utnoor Mandal to Kumari Saritha D/o Rama Rao R/o Mamidipelly village of Sirpur-U Mandal – certifying that her grandfather Sri Bavsingh S./o Megha resided at Wadoni village of Utnoor Mandal from 1356 Fasli and from 1950 to 1960 and after 1960, they migrated to Sirpur-U Mandal. Sri Bhavsingh S/o Megha is having patta land in Sy.No.29 situated at Wadoni Sivar as per Revenue Records i.e. 1356 Fasli.
- Copy of Certificate of Proof of Local Scheduled Tribe Community bearing Rc.No.361/2014, dt.25.08.2015 issued by Tahsildar, Sirpur-U mandal, Adilabad Dist. – wherein it was certified that Kum.Banavath Saritha D/o Banavath Ramarao, aged about (25) years as per School records her Date of birth is 12/06/1990 belongs to Lambadis (ST) community presently residing at R/o Piklathanda H/o Mamidipally village of Sirpur-U Mandal. It was further certified that as per the certificate issued by the Tahsildar, Utnoor vide Lr.No.E/493/2015, dt.30.03.2015, her parents were residing in Wadoni Village of Utnoor Mandal, Adilabad District, from 1950 to 1960 which falls in Scheduled Area on 26.1.1950 and from 1961-62 to till date, her parents are residing in Piklathanda H/o Mamidipally village (notified) of Sirpur-U Mandal of Adilabad District.
- Copy of PESA Gram Sabha Resolution of village: Wadoni, Mandal: Utnoor – addressing the Dist. Collector, KB Asifabad – wherein it was resolved that Sri Banoth Kapuriya S/o Hariya (i.e. great grandfather of appellant) was living in Wadoni village from 26.01.1950 and he has (3) sons namely 1) Megha 2) Kapuriya (great grandfather of appellant) and 3) Dariya. In the year 1950 Bhavsingh S/o Megha S/o Hariya was possessing 6.00 acres of land in Sy.No.2 (Maazi Haal). As the extent was less, the other two sons namely Kapuriya and Dargiya migrated to Mamidipalli (Peeklathanda) of Lingapur Mandal in the year 1960 where

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they were cultivating land in an extent of 8.00 acres in Sy.No.7/48. They have further resolved that Sri Banoth Rama Rao S/o Peekla is having three children 1) Banoth Rajitha 2) Banoth Saritha (appellant) and 3) Banoth Goutham have been living in Mamidipalli (Pikla thanda) village of Lingapur Mandal in KB Asifabad District.

- Copy of PESA Gram Sabha Resolution (GP Piklatanda) of Lingapur Mandal, KB Asifabad Dist. – wherein it was resolved that Banoth Kapuriya S/o Hariya and Banoth Pikla were living in Mamidipalli (Piklathanda) village of Lingapur Mandal: KB Asifabad District from 1950 – they migrated from Wadoni village of Utnoor Mandal in the year 1960 and cultivating land in Sy.No.7/48 in an extent of 8.00 acres. Banoth Rama Rao S/o Pikla has 2 daughters and 1 son namely 1) Rajita (daughter) 2) Saritha (daughter and appellant) and 3) Goutham (son) – hence, resolved that they are eligible for obtaining Agency Area Certificate.

5. Vide reference 4th read above the District Collector, Kumuram Bheem Asifabad has been requested to submit connected documents pertains to the case along with Parawise Remarks.

6. Accordingly, vide reference 5th read above the District Collector, Kumuram Bheem Asifabad has submitted the connected documents of the case along with Para wise Remarks.

7. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant Banavath Saritha D/o Rama Rao has attended for hearing on 5.09.2020 and submitted documents in support of his claim that they have been residing in the Agency area since 26.1.1950.

8. The Government Verified the record sent by the District Collector, Kumuram Bheem Asifabad among other documents mentioned, a copy of Residence Certificate bearing L.Dis.No.C/222/86, dt.16.6.1986 issued by MRO Sirpur-U Mandal certifies that Sri Banoth Ramrao S/o Piklanaik is residing in Mamidipalli village.

9. By the above documentary evidences i.e. Family Tree duly certified by the Tahsildar, Utnoor Mandal, land documents of Wadoni village and Mamidipalli village, voter lists and declarations by the PESA Gram Sabha Committee and Gram Panchayat of Wadoni and Mamidipalli villages and certificates issued by the Tahsildar, Sirpur-U and Utnoor Mandals, the appellant and her forefathers have been continuously residing in the Agency villages of Wadoni and Mamidipalli in the erstwhile Adilabad and the present KB Asifabad Districts from 1950.

10. Government after careful examination of the documents available on record sent by the District Collector, Kumuram Bheem Asifabad, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in

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WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant Banavath Saritha D/o Rama Rao and her forefathers are the continuous residents of Wadoni, an agency village in Utnoor Taluq of Adilabad District and Mamidipalli, an agency village of Lingapur-Mandal in KB Asifabad District since 26.1.1950, declaring her as Agency Area local ST and treating the Certificate of Proof of Local ST community issued to Kum.Banavath Saritha D/o Banoth Rama Rao by the Tahsildar, Sirpur-U Mandal bearing Rc.No.361/2014, dt.25.08.2015 as valid.

11. Accordingly, Government hereby set aside the orders of the District Collector, Kumuram Bheem Asifabad district in Procs.Rc.No. C2/1011/2019, dated 29.01.2020 and allow the Appeal filed by Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur Mandal of Kumuram Bheem Asifabad District

12. The District Collector, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The District Collector, Kumuram Bheem Asifabad District.
Banavath Saritha D/o Rama Rao R/o Mamidipally village of Lingapur
Mandal of Kumuram Bheem Asifabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad District (for information & necessary action)
4. The District Educational Officer, Kumuram Bheem Asifabad District (for information & necessary action)
5. The PS to Hon'ble Minister for ST Welfare for information.
6. The PS to Secretary (TW)
7. SC/SF.

//FORWARDED :: BY ORDER//

SECTION OFFICER